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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,910	09/17/2001	Samir S. Soliman	PA701C	8843

7590 05/21/2003
QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

NGUYEN, LEE

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,910

Applicant(s)

SOLIMAN, SAMIR S.

Examiner

LEE NGUYEN

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the communication filed 5/9/2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Gordon et al. (US 5,987,316).

Regarding claim 1, Gordon teaches a wireless communication system (fig. 1), comprising: a position location system 15 (col. 1, lines 57-64, col. 4, lines 35-38) for determining the position of a mobile station 3; and a central call processor 11 coupled to the position location system 15 for determining whether the terminal 3 has moved more than a predetermined distance from a predetermined initial location and for

preventing communications with the terminal 3 if the terminal 3 has so moved (col. 2, lines 1-3, col. 3, line 43).

Response to Arguments

4. Applicant's arguments filed 5/9/2003 have been fully considered but they are not persuasive.

Regarding the argument concerning the rejection of claim 1 based on the Tsuzuki reference, this argument is moot in view of the only rejection based upon the Gordon reference. Applicant contends that Gordon fails to teach: a central processor ... which determines whether the terminal has moved more than a predetermined distance from a predetermined initial location.

In response, the examiner respectfully disagrees. As taught by Gordon in column 1, lines 57-64:

“The locations of subscribers in a radio local loop system are by their nature fixed and therefore so (to within close limits) is the propagation delay between them and their serving base station. Regular measurement of this propagation delay by the base station is readily achieved (e.g. transmission of pseudo-noise sequences by subscriber units in synchronism with a marker transmitted to the subscriber units by the base station)”,

this discloses that the fixed location between the subscriber and the base station is the initial location (see close limits), which is also a threshold value that the base station controller 11 determines whether or not to allow the subscriber to access to the system, see col. 3, lines 31-48:

When a subscriber is first added to the system, information about the propagation delay for that subscriber is stored in a memory 20. It may, under some conditions, be possible to calculate the propagation delay sufficiently precisely from knowledge of the location of the subscriber. Alternatively, a measured value can be used, as discussed above. Thereafter, whenever a purported subscriber attempts to gain access to the system, the controller 11 retrieves the stored propagation delay for that subscriber from the memory 20 and applies the retrieved value and the current measured value to comparing means 21. If the result of the comparison is that the measured value and the stored value are inconsistent, i.e. if they differ by more than some small threshold value, an authentication-failed signal 22 is produced. In response to the authentication-failed signal the controller may simply deny access to the purported subscriber, or it may initiate a further authentication procedure.

Therefore, Gordon does anticipate the claimed limitation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

LEE NGUYEN *aw 5/18/03*
Primary Examiner
Art Unit 2682